

U.S. Patent Application Serial No. 09/423,436
Amendment dated January 26, 2004
Reply to OA of **October 28, 2003**

REMARKS

Claims 1 and 2 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicants regard as their invention. The applicants respectfully submit that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated **October 28, 2003**.

Objections to the Specification

The specification has been objected to as failing to provide proper antecedent basis for the claimed subject matter.

Specifically, the Examiner asserts that terminology "a second layer that is not directly adjacent to said backing metal" and "in at least the area of said second layer directly adjacent said roughened surface" lacks antecedent basis in the specification.

Claims 1 and 2 have been amended to indicate that the second layer is adjacent to the first layer. This is consistent with page 11 of the specification and Figure 1 which indicates that a backing layer (1) has a alloy (2, 3) attached thereto. The alloy includes a first layer (2) adjacent to the backing layer (1). A concentrated layer (3) is formed after use of the bearing (See page 11, line 28 of the specification). The location of the concentrated layer (3) is the second layer, which has a solid-solution structure. When the hexagonal compound (4a) is locally formed in the second layer, such location does no more than have the solid-solution structure. The location of the concentrated layer is not on the lining before use, that is, the second layer before use.

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Therefore, withdrawal of the objection to the specification is respectfully requested.

Claim Rejections under 35 USC §112

Claims 1, 2, 4-7 and 9-12 are rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement.

Specifically, the Examiner asserts that the phrase “a second layer that is not directly adjacent to said backing metal” is new matter not supported by the specification.

Taking the Examiner’s comments into consideration, claims 1 and 2 are amended to indicate that the second layer is adjacent to the first layer. This is consistent with page 11 of the specification and Figure 1 which indicates that a backing layer (1) has a alloy (2, 3) attached thereto. The alloy includes a first layer (2) adjacent to the backing layer (1). A concentrated layer (3) is formed after use of the bearing (See page 11, line 28 of the specification). The location of the concentrated layer (3) is the second layer, which has a solid-solution structure. When the hexagonal compound (4a) is locally formed in the second layer, such location does no more than have the solid-solution structure. The location of the concentrated layer is not on the lining before use, that is, the second layer before use. Therefore, withdrawal of the rejection of Claims 1, 2, 4-7 and 9-12 under 35 USC §112, first paragraph, is respectfully requested.

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Claims 2, 9, 10 and 12 are rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the Examiner asserts that claim 2 is unclear whether the phrase “copper alloy containing” indicates that the sliding bearing consists essentially of copper alloy or consists essentially of the described copper alloy. Claim 2 has been amended to indicate the “sliding bearing comprising: a copper alloy consisting essentially of”. Therefore, withdrawal of the rejection of Claims 2, 9, 10 and 12 under 35 USC §112, second paragraph, is respectfully requested.

Amendment to the Specification

Page 12, line 4 of the specification have been amended to indicate “the lining surface before use”. This amendment finds support on page 12, line 1 of the specification. Therefore, no new matter is added to the specification. Entry of this amendment to the specification is respectfully requested.

New Claims

New claims 13 and 14 are added to this application. New claims 13 and 14 find support on page 11, line 33 through page 12, line 5 of the specification. Claims 13 and 14 are allowable by virtue of their dependence upon allowable independent claims. Therefore, allowance of new claims 13 and 14 is respectfully requested.

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Conclusion

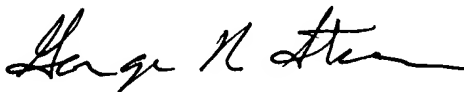
In view of the aforementioned amendments and accompanying remarks, claims 1 and 2, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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